

MINUTES
State Allocation Board
September 22, 2004

Upon notice duly given, the monthly meeting of the State Allocation Board was held in Room 4202 of the State Capitol, Sacramento, California on September 22, 2004 at 2:00 p.m.

Members of the Board present were as follows:

- Jeannie Oropeza, Program Budget Manager, Education, Department of Finance, designated alternate for Donna Arduin, Director, Department of Finance
- Rob Cook, Deputy Director, Interagency Support Division, Department of General Services, designated alternate for Ron Joseph, Director, Department of General Services
- William J. Ellerbee, Deputy Superintendent, School and District Operations Branch, California Department of Education, designated representative for Jack O'Connell, Superintendent of Public Instruction
- David Sickler, Southern Regional Director, State Building & Constructions Trades Council of California
- Senator Dede Alpert
- Senator Bob Margett
- Senator Tom Torlakson
- Assembly Member Lynn Daucher
- Assembly Member Jackie Goldberg

Member of the Board absent was as follows:

- Assembly Member John Dutra

Representative of the State Allocation Board (SAB) was as follows:

Bruce B. Hancock, Assistant Executive Officer

Representatives of the Department of General Services, Office of Public School Construction (OPSC), were as follows:

Jacqueline R. Wilson, Deputy Executive Officer
Dennis Boydston, Chief of Program Services

Representative of the Department of General Services, Office of Legal Services, was as follows:

Garry Ness, Acting Chief Counsel

With a quorum present, Ms. Oropeza, Chair, called the meeting to order at 2:08 p.m.

CLOSED SESSION

In accordance with Section 11126(e)(1) of the Government Code, the Board adjourned to a closed session for the purpose of conferring with and receiving advice from counsel regarding pending litigation/settlement involving the Richfield Elementary School District.

Upon conclusion of the closed session, the Board reconvened into open session at 2:52 p.m.

PRIOR MINUTES

A motion was made and carried to approve the Minutes for the August 25, 2004 SAB meeting. Senator Margett and Assembly Member Goldberg abstained from voting on the Minutes.

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EXECUTIVE OFFICER STATEMENT

The Deputy Executive Officer advised the Board that the OPSC is currently reviewing the issues and documentation associated with the Fremont Unified School District's new construction eligibility, and will be presenting an item at the October SAB meeting. In addition, the staff will be reporting on the definition of material inaccuracy. The Board was also advised that the Charter School Facility Program preliminary apportionments were initially planned to be presented at the December 2004 SAB meeting for funding consideration; however, based on the number of applications received, the California School Finance Authority (our sister agency in this program) needed adequate time to perform the financial soundness analyses and it is anticipated that the funding of the preliminary apportionments will be presented at the January 26, 2005 SAB meeting.

CONSENT ITEMS

In considering this item, the Board approved the consent calendar as presented. However, Dr. William Ellerbee, Jr. abstained from voting on the consent calendar items that pertained to the Sacramento City Unified School District.

FINANCIAL REPORTS

Status of Funds

The Board accepted the Status of Funds report as presented.

SPECIAL CONSENT ITEMS

Administrative Costs for Fiscal Year 2004/2005

In considering this item, the Board approved the staff's recommendations.

School Facility Program Substantial Progress Time Extensions

In considering this item, the Board approved the staff's recommendations.

School Facility Program Time Limit on Apportionments

In considering this item, the Board approved the staff's recommendations.

SPECIALS/APPEALS

Lennox Elementary/Los Angeles 50/64709-00-000

This item was withdrawn from the agenda prior to the meeting at the request of the District.

Richfield Elementary/Tehama 50/71654-00-001

In considering this item, the Board approved the staff's recommendations, including authorizing the District to pay the general contractor \$215,530 contingent upon receipt of signed settlement agreements and appropriate

releases by the general contractor and all subcontractors. A motion was made and carried with the following votes:

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MEMBER	AYE	NAY	ABSTAIN	ABSENT
Senator Alpert	X			
Senator Margett		X		
Senator Torlakson				X
Assembly Member Dutra				X
Assembly Member Daucher	X			
Assembly Member Goldberg	X			
Rob Cook	X			
William Ellerbee	X			
David Sickler	X			
Jeannie Oropeza			X	
Total	6	1	1	2

Motion:

Carried X

Failed

School Facility Program Joint-Use Projects

Brentwood Union Elementary/Contra Costa 52/61655-00-01

In considering this item, the Board approved the staff's recommendation.

Clovis Unified/Fresno 52/62117-00-01

Mr. Terry Bradley, Superintendent of the District, addressed the Board. In considering this item, the Board directed staff to bring back the item in 60 days.

Jurupa Unified/Riverside 52/67090-00-01

Mr. Elliott Duchon, Superintendent of the District, addressed the Board. In considering this item, the Board instructed the District that if it can provide proof of ownership of the site within 45 days, then the Board will approve funding of the proposed joint-use project. The Board stipulated that this action was not precedent setting. In addition, the Board directed staff to amend the regulations for purposes of clarifying "existing school site" to include that the annexation of land as an addition to an existing school site must be completed and the new site owned by the district before an application is considered complete. A motion was made and carried with the following votes:

MEMBER	AYE	NAY	ABSTAIN	ABSENT
Senator Alpert	X			
Senator Margett			X	
Senator Torlakson	X			
Assembly Member Dutra				X
Assembly Member Daucher	X			
Assembly Member Goldberg	X			
Rob Cook			X	
William Ellerbee	X			
David Sickler	X			
Jeannie Oropeza			X	
Total	6	0	3	1

Motion:

Carried X

Failed _____

San Bernardino City Unified/San Bernardino 52/67876-00-01

Mr. Dave Stevenson, Assistant Director of Facilities for the District, addressed the Board. In considering this item, the Board approved the staff's recommendations.

REGULATIONS/POLICY

Grant Adjustment for the Labor Compliance Program

Mr. Tom Duffy, representing the Coalition for Adequate School Housing, Mr. Jay Hansen, representing the State Building Trades Council, and Mr. Terry Zinger, representing Golden State Labor Compliance, addressed the Board in support of this issue. In considering this item, the Board approved the staff's recommendations. In addition, the Board cautioned school districts that they may be at risk of operating labor compliance programs that are more expensive than what is required under current law. Staff was instructed to inform all school districts that discussions pertaining to labor compliance were continuing in Sacramento. Motion was made and carried with the following votes:

MEMBER	AYE	NAY	ABSTAIN	ABSENT
Senator Alpert	X			
Senator Margett	X			
Senator Torlakson	X			
Assembly Member Dutra				X
Assembly Member Daucher	X			
Assembly Member Goldberg				X
Rob Cook	X			
William Ellerbee	X			
David Sickler	X			
Jeannie Oropeza	X			
Total	8	0	0	2

Motion:

Carried X

Failed _____

Class B Construction Cost Index

This item was withdrawn from the Agenda prior to the meeting.

Amendments to the School Facility Program New Construction Program

In considering this item, the Board approved the staff's recommendations.

INFORMATION/REFERENCE

Board Meeting Dates for the remaining 2004 Calendar Year

OPSC Workload Summary List – New Construction and Modernization through August 23, 2004

Facility Hardship/Rehabilitation Approvals without Funding List as of August 25, 2004

MISCELLANEOUS/OTHER ITEMS

Dr. William Ellerbee, Jr. announced that Ms. Kathleen Moore, who is the new Director of the School Facilities Planning Division in the California Department of Education, will be the SAB designated representative for Jack O'Connell, Superintendent of Public Instruction, commencing January 2005. Dr. Ellerbee also asked that staff bring forward for discussion the issue of design-build prefabricated schools and evaluate the problems associated with these types of schools (i.e., circumvention of the competitive bidding process, potential litigation due to unsafe school facilities).

ADJOURNMENT

There being no further business to come before the Board, the Chair adjourned the meeting at 5:13 p.m.

JACQUELINE R. WILSON, Deputy Executive Officer